

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SALLY A. SANTEE

v.

LEHIGH VALLEY

HEALTH NETWORK, INC. et al.

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CIVIL ACTION

NO. 13-3774

ORDER

AND NOW, this **18** day of **December**, 2014, upon careful and

independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

ORDERED

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1. The Report and Recommendation is **APPROVED** and **ADOPTED**; and

2. The Motion to Dismiss plaintiff's First Amended Complaint pursuant to

Federal Rules of Civil Procedure 12(b)(6) filed by defendants Lehigh Valley Health Network, Inc., Suzanne, Goodell, Jaime Brogan, Zelda Greene, Susan Lawrence, Terry Capuano, Jeri Lemanek and Kathleen Mudri (Doc. 9) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. Plaintiff's request to withdraw the following claims is

GRANTED: (i) the claim for religious discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.; (ii) all claims under the Pennsylvania Human Relations Act, 43 P.S. § 951 et seq. ("PHRA"), including any claim for punitive damages under the PHRA; (iii) the demand for compensatory and punitive damages related to the retaliation claim under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. ("ADA"), as amended by the ADA

1 without objections.

Amendments Act of 2008; and (iv) any claim for interference or harassment under the Family Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq. ("FMLA").

b. The Motion to Dismiss is **GRANTED** to the extent that it seeks to dismiss: the hostile work environment claim under the ADA, and the FMLA retaliation claim against the individual defendants Brogan, Capuano, Lawrence, Greene, Lemanek, and Mudri.

c. The Motion to Dismiss is **DENIED** to the extent that it seeks to dismiss: (I) the claim for ADA disability discrimination (Count II), (ii) the claim for ADA retaliation (Count III), and (iii) the claim for FMLA retaliation against defendants LVHN and Goodell.

d. Plaintiff's request for leave to amend her complaint is **DENIED**.

BY THE COURT:



EDUARDO C. ROBRENO, J.